



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,962	08/09/2001	Greg Pulier	786515600021	4397

24325 7590 06/08/2005

STEPHEN D. SCANLON
JONES DAY
901 LAKESIDE AVENUE
CLEVELAND, OH 44114

EXAMINER

WALSH, JOHN B

ART UNIT	PAPER NUMBER
----------	--------------

2151

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/925,962

Applicant(s)

PULIER ET AL.

Examiner

John B. Walsh

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 1-11 and 18-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1123103, 61104, 719104, 516104
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

21

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 12-16 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,081,262 to Gill et al.

As concerns claim 12, a computer-implemented method for managing and presenting multimedia content comprising the steps of: creating a presentation template (abstract, lines 1-3); selecting at least one media asset for inclusion within the template (abstract, lines 17-18; figure 2); positioning the selected media asset within the template in order to create the multimedia content (abstract, lines 17-18; figures 2-3); providing the multimedia content to a viewing device during run-time (abstract, lines 1-3 and 17-22); and sending a command to the viewing device that alters a design-time property of the multimedia content during the run-time (multi-media presentation changes as it runs), whereby the multimedia content with the altered design-time property is displayed to a user (user may view the presentation by downloading/streaming the media to their computer; column 17, lines 39-63).

As concerns claim 13, the method of claim 12 wherein the viewing device is a computer with a computer display (users display, or D).

Art Unit: 2151

As concerns claim 14, the method of claim 12 wherein the viewing device is a device selected from the group consisting of a computer display, set-top box, personal data assistant, and a wearable computer (figure 1; D).

As concerns claim 15, the method of claim 12 wherein the altered design-time property is a font property of text shown in the multimedia content (column 10, lines 1-10).

As concerns claim 16, the method of claim 12 further comprising the steps of: streaming video data to the viewing device (column 17, lines 39-63); and injecting an event into the streamed video data in order to alter the design-time property of the multimedia content during run-time (a future point in time of the media is altered such that it is different then the presently viewed media; authored to insert text into the media at particular points in time during run-time).

3. Claims 12-16 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,440,678 to Eisen et al.

As concerns claim 12, a computer-implemented method for managing and presenting multimedia content comprising the steps of: creating a presentation template (video); selecting at least one media asset for inclusion within the template (footnote); positioning the selected media asset within the template in order to create the multimedia content (abstract, lines 10-11); providing the multimedia content to a viewing device during run-time (abstract, lines 2-5); and sending a command to the viewing device that alters a design-time property of the multimedia content during the run-time (add footnote at selected time), whereby the multimedia content

Art Unit: 2151

with the altered design-time property is displayed to a user (user will be able to view the footnote on the display).

As concerns claim 13, the method of claim 12 wherein the viewing device is a computer with a computer display (figures 1 and 2; 40).

As concerns claim 14, the method of claim 12 wherein the viewing device is a device selected from the group consisting of a computer display, set-top box, personal data assistant, and a wearable computer (figures 1 and 2; 40).

As concerns claim 15, the method of claim 12 wherein the altered design-time property is a font property of text shown in the multimedia content (text of footnote has a font property).

As concerns claim 16, the method of claim 12 further comprising the steps of: streaming video data to the viewing device (column 5, line 65; figure 1); and injecting an event into the streamed video data in order to alter the design-time property of the multimedia content during run-time (column 4, lines 1-18).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,081,262 to Gill et al. as applied to claim 16.

As concerns claim 17, the method of claim 16 wherein the video data is streamed using a user datagram protocol (UDP), and the injected event is sent to the viewing device using the transmission control protocol (TCP). It would have been an obvious design choice to select UDP or TCP protocols for transmitting data. The applicant's specification at p. 16 indicates that other protocols may be used to perform the functions.

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,440,678 to Eisen et al. as applied to claim 16.

As concerns claim 17, the method of claim 16 wherein the video data is streamed using a user datagram protocol (UDP), and the injected event is sent to the viewing device using the transmission control protocol (TCP). It would have been an obvious design choice to select UDP or TCP protocols for transmitting data. The applicant's specification at p. 16 indicates that other protocols may be used to perform the functions.

Conclusion

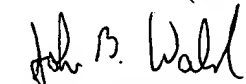
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 571-272-7063. The examiner can normally be reached on Monday-Wednesday from 5:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2151

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John B. Walsh
Primary Examiner
Art Unit 2151